

ASSEMBLY BILL

No. 2270

Introduced by Committee on Agriculture (Galgiani (Chair), Tom Berryhill (Vice Chair), Conway, Ma, Mendoza, and Yamada)

February 18, 2010

An act to amend Sections 24012 and 24015 of the Food and Agricultural Code, relating to horses.

LEGISLATIVE COUNSEL'S DIGEST

AB 2270, as introduced, Committee on Agriculture. Horses: show, competition, and sale events: fees: registration.

Existing law regulates horse events, such as shows, competitions, and sales, and the drugging of horses. A violation of these provisions is a crime.

Existing law provides that in order to provide funds for enforcement of the above-mentioned regulatory provisions, the event manager of every horse event shall charge and collect a fee that the Secretary of Food and Agriculture determines to be necessary to carry out these provisions. Existing law requires the event manager to remit the fee, along with a completed assessment summary, to the Department of Food and Agriculture, as provided.

This bill would instead require the submission of the completed assessment report for the registered event to the department. The bill would require the event manager to maintain event records for 2 years and to make the event records available to the department for inspection and photocopying, as provided. By imposing additional requirements on event managers, the violation of which is a crime, this bill would impose a state-mandated local program by creating new crimes.

This bill would provide that a show event held over multiple consecutive days, as provided, shall be considered one event for the purpose of the assessment of the fee.

Existing law requires every horse event to be registered with the department, unless otherwise prescribed by the secretary by regulation, and provides that an event manager who fails to register an event required to be registered is subject to a civil penalty to be levied by the secretary, as provided.

This bill would authorize the secretary to also suspend, after notice and an opportunity for a hearing, the event manager from hosting or managing a public horse show or competition for a specified period for each violation. The bill would provide that it is unlawful for a suspended event manager to conduct a public horse show or competition during the period of suspension, thereby imposing a state-mandated local program by creating a new crime. The bill would subject a suspended event manager who hosts or manages a public horse show or competition during the period of suspension to the above-referenced civil penalty for each public horse show or competition held during the period of suspension.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 24012 of the Food and Agricultural Code
2 is amended to read:
3 24012. (a) (1) To provide funds for enforcement of this
4 chapter, the event manager of every event shall charge and collect
5 the applicable fee for each horse entered or exhibited in the event,
6 and each horse consigned for public sale. The secretary may, by
7 regulation, set the applicable fee, in consultation with the advisory
8 committee appointed pursuant to Section 24013.5, at an amount
9 necessary to carry out this chapter. Event managers shall be notified
10 of the applicable fee at the time of registration of an event. The
11 event manager of the registered event shall remit the fee established

pursuant to this section, in addition to the completed assessment ~~summary~~ report for the registered event, as prescribed by the secretary, to the department within 15 days after completion of the event. *The event manager shall maintain event records for a period of two years after the completion of the event. Upon request by the department, the event records shall be made available to the department for inspection and photocopying to enable verification of appropriate fee collection and remittance.*

(2) *Notwithstanding subdivision (a) of Section 24001, a show event held over multiple consecutive days, with a different judge on each day, that is registered and managed by the same event manager on the same premises, shall be considered one event for the purpose of the assessment of the fee.*

(b) Any event manager who does not pay to the department the full amount that is due pursuant to this section shall pay a civil penalty of 10 percent of the amount due plus interest at the rate of 1 ½ percent per month of the unpaid balance computed from the date of the event. The event manager is personally liable for fees and penalties owed the department pursuant to this section.

(c) Fees and penalties collected pursuant to this section shall be deposited in the Department of Food and Agriculture Fund. All funds received by the department from fees and penalties pursuant to this section shall be used exclusively to carry out the intent and purpose of this chapter, including, but not limited to, pharmacological studies, drug testing, and drug research, inspection for drugs, prosecution of alleged offenders, administrative costs, ~~attorneys~~ attorney's and expert witness fees, and any other costs necessary to carry out this chapter.

SEC. 2. Section 24015 of the Food and Agricultural Code is amended to read:

24015. (a) Every event shall be registered with the department, unless otherwise prescribed by the secretary by regulation. The event manager of an event shall file a completed registration form with the department, as prescribed by the secretary, at least 30 days prior to the beginning of the event, which shall constitute the registration of the event.

(b) An event manager who fails to register an event required to be registered pursuant to this chapter is subject to a civil penalty to be levied by the secretary in an amount not less than one hundred dollars (\$100) or more than two thousand five hundred dollars

1 (\$2,500). In determining the amount of the penalty, the secretary
2 shall consider any previous violations, and whether the event
3 manager cooperated in good faith with the department.

4 *(c) In addition to the civil penalty specified in subdivision (b),*
5 *the secretary may, after notice and an opportunity for a hearing,*
6 *suspend the event manager from hosting or managing a public*
7 *horse show or competition for a period of not less than 90 days*
8 *or more than one year for each violation. It is unlawful for an*
9 *event manager suspended from hosting or managing a public horse*
10 *show or competition by the secretary to conduct a public horse*
11 *show or competition during the period of suspension. An event*
12 *manager suspended by the secretary from hosting or managing a*
13 *public horse show or competition, who hosts or manages a public*
14 *horse show or competition during the period of suspension, is*
15 *subject to the civil penalty prescribed by subdivision (b) for each*
16 *public horse show or competition held during the period of*
17 *suspension.*

18 SEC. 3. No reimbursement is required by this act pursuant to
19 Section 6 of Article XIII B of the California Constitution because
20 the only costs that may be incurred by a local agency or school
21 district will be incurred because this act creates a new crime or
22 infraction, eliminates a crime or infraction, or changes the penalty
23 for a crime or infraction, within the meaning of Section 17556 of
24 the Government Code, or changes the definition of a crime within
25 the meaning of Section 6 of Article XIII B of the California
26 Constitution.